

(PCT Article 36 and Rule 70)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/DE2004/000795

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1, 3-12 _____ as originally filed/furnished
- pages* 2, 2a _____ received by this Authority on 14.02.2005 with the letter of 14.02.2005
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-13 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/1 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2, 9, 12, 13	YES
	Claims	1, 3-8, 10, 11	NO
Inventive step (IS)	Claims		YES
	Claims	1-13	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

This report makes reference to the following document:

D1: WO 02/103958 A

Document D1 discloses, in line with the features of **claim 1** (the references between parentheses refer to that document), a method for billing a communications link established between a first communications terminal (see figure 1, reference sign 1) of a first packet-switching communications network (see figure 1, reference sign 2) and a second communications terminal (see figure 1, reference sign 12) of a second packet-switching communications network (see figure 1, reference sign 1), in which method:

- a message requesting the establishing of a communications link (see page 8, lines 28 and 29) is sent from the first (or second; see page 11, lines 1-7) communications terminal to a transition node (see figure 1, reference sign 9) between the first and the second communications networks (see page 8,

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- lines 27-33),
- the request message is further conveyed (see page 10, lines 7-9) from the transition node to an evaluation and control unit (see figure 1, reference sign 6),
 - the evaluation and control unit evaluates the origin of the request message (see page 10, lines 9-11) and in a rule (see figure 3, last step and page 10, lines 11-13) determines how the communications link to be established is to be billed, i.e. which "GPRS charging identity" is to be billed (see page 10, lines 17-19), and whether the communications link is to be billed to A-subscriber (see page 10, lines 1-3) or is charge-free (see page 11, lines 9-26);
 - billing is carried out accordingly using a billing computer (see figure 1, reference sign 14) (see, e.g., page 10, lines 15-29).

The subject matter of claim 1 thus lacks novelty (PCT Article 33(1) and (2)).

Claims 2-13 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty (PCT Article 33(2)) and inventive step (PCT Article 33(3)) with respect to the disclosure of document D1:

Claim 2: the rule is forwarded to all transition nodes (see figure 1, reference signs 5

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and 9) which are involved in collecting the packets to be transported for the communications link (see page 10, lines 13 and 25-29). The packets are collected by the transition nodes and appropriate billing is carried out by the billing computer when the communications link concerned is to be billed according to the rule (see, e.g., page 10, lines 15-29). The packets are clearly ignored by the transition nodes when no billing is to take place.

Claim 3: one of the communications networks may be the Internet (see page 11, line 11).

Claim 4: one of the communications networks is a packet-oriented mobile radio network (see page 7, lines 13-15).

Claim 5: the communications link can be established between the terminals via the Internet (see page 11, lines 9-26).

Claim 6: the transition nodes are components of a data packet control system which controls establishment of a connection (see page 7, line 27 - page 8, line 2).

Claim 7: the evaluation and control unit (see figure 1, reference sign 6) is also a transition node (GGSN).

Claim 8: a network computer of the mobile radio network is used as billing computer (see page 9, lines 31-33).

Claim 9: since the establishment of the system in document D1 is symmetrical, the billing

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computer may also be part of the second communications network.

Claim 10: the rule is stored in the transition nodes (see page 9, lines 21-23 and page 10, lines 11-13).

Claim 11: all packets are forwarded via a transition node (e.g. by the GGSN).

Claim 12: a termination message must clearly be sent in order to terminate the connection. Following termination, the rule is not required and can clearly be deleted.

Claim 13: interfaces are provided between the transition nodes and the billing computer (see figure 1, reference signs 5, 9, 10 and 14). An interface could also clearly be provided between the evaluation and control unit (see figure 1, reference sign 6) and the billing computer.

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Box No. VII **Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

The features of the claims are not followed by
reference signs placed between parentheses (PCT
Rule 6.2(b)).